

## EXHIBIT 2



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## I N D E X

## WITNESS

PAGE

DENNIS CARLSON, M.S.M.E., P.E.

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Examination by Ms. Rhodes 228

## E X H I B I T S

## EXHIBIT

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## DESCRIPTION

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## E X H I B I T S

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Exhibit 9	Notebook labeled 3982 Bridgestone Docs, including: Three thumb drives Disk labeled 1/19/16 William Woehrle deposition transcript and exhibits, Disk labeled Complaint Bridgestone Initial Disclosures Brian Kehler Deposition, and Disk labeled 3982 Kirizas [sic] Depo Exhibits	65
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1 VIDEOTAPED DEPOSITION OF  
2 DENNIS CARLSON, M.S.M.E., P.E.,  
3 was taken on July 12, 2016, commencing at 9:00 a.m. at The  
4 Holiday Inn Express, 1564 West Grant Road, Tucson,  
5 Arizona, before Shelley E.D. Pearce, RPR, a Certified  
6 Reporter No. 50301 for the State of Arizona.

7

8 COUNSEL APPEARING:

9

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25

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1 VIDEOTAPED DEPOSITION OF  
2 DENNIS CARLSON, M.S.M.E., P.E.,

3 ---oOo---

4 THE VIDEOGRAPHER: We are on the record.

5 Today's date is Tuesday, July 12, 2016. The  
6 time on the video monitor is 9:00 a.m. This is the video  
7 recorded deposition of Dennis Carlson, noticed by counsel  
8 for the defendant Bridgestone Americas Tire Operations,  
9 L.L.C., in the matter of Brian Kehler versus Bridgestone  
10 Americas Tire Operations, L.L.C., et al., in the United  
11 States District Court for the District of Wyoming; Case  
12 No. 15-CV-127-J.

13 Our location today is The Holiday Inn Express on  
14 Grant Road in Tucson, Arizona. Certified court reporter  
15 is Shelley Pearce of Kim Bata Reporting, located at 610  
16 East Bell Road, No. 2216, Phoenix, Arizona 85022. My name  
17 the William Marinakis. I'm the certified legal video  
18 specialist for the firm of Video Dep, Incorporated,  
19 located at 7776 South Pointe Parkway West, Suite 170,  
20 Phoenix, Arizona 85044.

21 Counsel, will you please identify yourselves,  
22 and state whom you represent for the record at this time;  
23 starting with plaintiff's counsel.

24 MS. RHODES: Diana Rhodes for the plaintiff.

25 MR. SMITH: Colin Smith for Bridgestone

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1 Americas.

2 MR. CURRY: Grant Curry on behalf of Commercial  
3 Tire.

4 THE VIDEOGRAPHER: Thank you, Counsel.

5 The witness may be sworn in at this time,  
6 please.

7 DENNIS CARLSON, M.S.M.E., P.E.,  
8 a witness herein, having been first duly sworn by the  
9 Certified Court Reporter to speak the truth and nothing  
10 but the truth, was examined and testified as follows:

11

12 EXAMINATION

13 BY MR. SMITH:

14 Q. Could you state your full name, please.

15 A. Dennis Carlson.

16 Q. And what is your address, Mr. Carlson?

17 A. 1548 South Euclid, Tucson, Arizona.

18 Q. Mr. Carlson, do I understand correctly that  
19 you're here today as a retained expert for the plaintiff  
20 in the Kehler case?

21 A. Yes.

22 Q. And what law firm retained you in this case?

23 A. I don't know the firm. Ms. Rhodes, I think, is  
24 the principal lawyer in it, but I haven't looked to see  
25 what the law firm was.

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1 Q. You don't hold any opinions in the areas of  
2 biomechanics or occupant kinematics?

3 A. Correct.

4 Q. You don't hold any opinions in the area of human  
5 factors?

6 A. Correct.

7 Q. And you don't hold any opinions in the area of  
8 warnings, except for some comments you have about the  
9 speed restriction issue?

10 A. Correct.

11 Q. All right. We'll talk about that later.

12 Now, Mr. Carlson, you're an engineer; is that  
13 correct?

14 A. Yes.

15 Q. Engineering is a science, isn't it?

16 A. It is.

17 Q. And do you claim that the tire failure analysis  
18 that you do is a scientific process?

19 A. Yes, I do.

20 Q. And do you have a methodology that you follow  
21 when you do that?

22 A. Yes.

23 Q. And the original source of that methodology was  
24 in your work for Michelin Americas, correct?

25 A. Well, that and my graduate work and



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1 A. No.

2 Q. And, in fact, Michelin never used you as an  
3 expert witness when you worked for Michelin Americas, did  
4 it?

5 A. That's correct.

6 Q. You never testified on behalf of Michelin while  
7 you worked there, did you?

8 A. Did not.

9 Q. And you were never in the product safety group  
10 at Michelin when you were there, were you?

11 A. No, I wasn't.

12 Q. And you left Michelin in about 1987, correct?

13 A. Yes.

14 Q. So you had a total of about 10 working years in  
15 the tire industry?

16 A. Yep.

17 Q. And when you left Michelin, that company deemed  
18 you ineligible for rehire, correct?

19 A. My supervisor did. My last supervisor,  
20 apparently, did that. He never said that to me, but...

21 Q. But you've seen the form, haven't you?

22 A. I have.

23 Q. You've seen the form and you maintained it as  
24 part of your own records, didn't you?

25 A. Well, it was mailed to me or given to me by

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1 defense lawyers. I haven't gone back to see if that's  
2 what was in -- what Michelin mailed to me in my file,  
3 but...

4 Q. Well, your understanding was that form had  
5 two boxes. It had a box for eligible for rehire and  
6 ineligible for rehire, and your supervisor checked the  
7 ineligible for rehire box, correct?

8 A. Yes, my last supervisor.

9 Q. And, in fact, he had some critical things to say  
10 about you in his final review of you, correct?

11 A. Sure.

12 Q. He said that you seemed to be unable to apply  
13 your skills productively to your job, correct?

14 A. Something like that.

15 Q. He said, year after year, he showed little  
16 improvement. Said that, didn't he?

17 A. Yeah, I only worked for him for about a year and  
18 a half. So, you know, that's kind of funny to me, but...

19 Q. Okay. He also said you failed to take total  
20 responsibility for your job, didn't he?

21 A. Yeah. I got sideways with him. I guess he  
22 didn't like me for a while there, but all my other bosses,  
23 I was ranked superior twice there by other bosses.

24 Q. Twice in 10 years?

25 A. Yeah.

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1 Q. Okay.

2 A. And average the other nine times or seven times.

3 Q. And your last supervisor had a number of  
4 critical things to say about you?

5 A. Yes.

6 Q. Okay.

7 A. But I was looking for another job at that time,  
8 so maybe I let things go, slide a little bit. But he and  
9 I didn't get along.

10 Q. You've not been an employee of any tire company  
11 since the 1980s, correct?

12 A. Not an employee.

13 Q. And so it's been more than 25 years since you've  
14 been working in the tire industry, correct?

15 A. Yes.

16 Q. And in 1994, you decided to focus your career on  
17 testifying against tire companies, didn't you?

18 A. Well, I was presented with a choice: Work for  
19 tire companies or work against them. And, at that time,  
20 Michelin had called me and told me that they weren't going  
21 to use me because I had signed up a plaintiff case, and I  
22 said I didn't like that restriction. So I decided to go  
23 with plaintiff.

24 Q. So it's correct, then, in 1994, you decided to  
25 focus your career on testifying against tire companies?

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1 A. Yes, there was no -- there was a choice.

2 Q. Okay.

3 A. And in this business, there's a choice between  
4 one side or the other, and I wanted more freedom.

5 Q. Move to strike the nonresponsive portions of the  
6 answer.

7 In your lawsuit consulting business,  
8 Mr. Carlson, have you testified against Michelin?

9 A. Yes, I have.

10 Q. You testified against Goodyear?

11 A. Yes.

12 Q. Have you testified against Firestone?

13 A. Yes.

14 Q. Have you testified against Uniroyal?

15 A. I haven't testified in court, but -- well, maybe  
16 I have, yeah. Okay, yeah.

17 Q. I'm including any testimony. You understand  
18 that, Mr. Carlson?

19 A. Okay.

20 Q. Have you testified against B.F. Goodrich?

21 A. Yes.

22 Q. Testified against Armstrong?

23 A. I'm sure I've had one case.

24 Q. Have you testified against Cooper Tire?

25 A. Yes.

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1 Q. Have you testified against Pirelli?

2 A. I think there's been at least one case,  
3 couple -- couple cases maybe.

4 Q. Have you testified against Kelly Springfield?

5 A. Yes.

6 Q. Have you testified against Dunlop?

7 A. Yes.

8 Q. Have you testified against Bridgestone?

9 A. Yes.

10 Q. Have you testified against Mohawk?

11 A. Well, there's been at least one, I think.

12 Q. Have you testified against Kumho Tire?

13 A. Yes.

14 Q. Have you testified against Yokohama Tire?

15 A. Occasionally, yes, I have.

16 Q. Have you testified against Dayton Tire?

17 A. I think there's one of those.

18 Q. Have you testified against Toyo Tire?

19 A. Yes.

20 Q. Have you testified against Denman tire?

21 A. I think there's been two -- two tire cases  
22 against Denman.

23 Q. Have you testified against Sumitomo Tire?

24 A. There's been a few.

25 Q. Have you testified against Matador Tire?

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1 A. There was one, yes.

2 Q. Have you testified against Hankook Tire?

3 A. I think there's one or two, yeah.

4 Q. Okay. Now, Carlson Engineering, which is the  
5 business you operate, that's not a business that designs  
6 or manufactures tires, is it?

7 A. No, I won't do that work.

8 Q. And, in fact, that's the case, hasn't it, for  
9 25 years; you've not done any tire design or manufacturing  
10 work, correct?

11 A. That's correct.

12 Q. And let's talk a little bit about Carlson  
13 Engineering. It's correct, essentially, that's just you  
14 and your secretary, Ms. Gould, right?

15 A. Yes.

16 Q. Are there any other employees of that company?

17 A. We have a cleaner, but there's no really  
18 technical people.

19 Q. Okay. Now, we were talking about when you left  
20 Michelin. What you did then was, you went to work as an  
21 expert in accident and litigation matters, correct?

22 A. Yes.

23 Q. And in the course of that work, you've actually  
24 consulted and testified about a wide variety of different  
25 products, correct?

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1           role as an independent expert, you should try to be just  
2           as fair to the defendants as you would be to the plaintiff  
3           who hired you, correct?

4           A.     Yes.

5           Q.     Now, is it correct that in your present work,  
6           you're not doing any kind of consulting that's not related  
7           to lawsuits or potential lawsuits?

8           A.     That's correct.

9           Q.     And is it true that for, approximately, 25 years  
10          or more, 100 percent of your consulting work is related to  
11          lawsuits or potential lawsuits?

12          A.     I think that's probably accurate.

13          Q.     And is it also true that the vast majority of  
14          your consulting work in lawsuits and potential lawsuits is  
15          for plaintiffs or potential plaintiffs?

16          A.     Probably, yes.

17          Q.     Over 90 percent, correct?

18          A.     I would guess that. I don't keep statistics,  
19          but...

20          Q.     But that's what you've always agreed, haven't  
21          you?

22          A.     Well, I think that's a good estimate, but...

23          Q.     In your work in litigation consulting,  
24          Mr. Carlson, have you been -- have you had your expert  
25          testimony excluded or been disqualified on multiple

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1 Q. That's the non-serial side?

2 A. Non-serial side.

3 And then the same note was made on the serial  
4 number side. I have no temperature in the tire, no  
5 innerliner heat band. There was some abnormal rib wear in  
6 rib 4 and one place in rib 5, and the tread depths were 11  
7 to 13/32nds.

8 Q. Okay. Anything else of significance that you  
9 found in your examination of that companion tire?

10 A. No. It just has the same type of marking in the  
11 pressure groove area, which is not a pressure groove, but  
12 it has some vertical marks from the rim.

13 Q. Now, you have in your file -- and I think we  
14 don't know exactly what the source of them is, but you  
15 have some X-rays, correct?

16 A. Yes.

17 Q. Is there anything in those X-rays that's  
18 significant to your opinions in this case?

19 A. No. It shows the overlap joint.

20 Q. And tell us where that overlap joint is again.

21 A. Approximately, 70 to 80 -- 70 to 90 degrees  
22 somewhere.

23 Q. Where is the overlap?

24 A. It looks like it's in belt number 2 in the  
25 X-rays.



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1 Q. Of course, that's not what your report says,  
2 right?

3 A. Well, I may have it wrong here. No, it's belt  
4 number 1, it looks like.

5 Q. That's right. It's in the transition belt,  
6 right?

7 A. Right, yeah.

8 Q. Belt number 1 is commonly called a transition  
9 belt, correct?

10 A. Yeah.

11 Q. It's commonly referred to as a nonworking belt,  
12 correct?

13 A. It's referred to that, but it actually is a  
14 working belt, but it reduces stress between the other two  
15 belts.

16 Q. Well, let's talk about that for a minute.

17 The belts that are commonly referred to as the  
18 working belts in a tire of this type would be belts 2 and  
19 3.

20 A. Right.

21 Q. And those are the belts that are under the  
22 highest stress, correct?

23 A. They have the highest stress. And the belt  
24 number 1 reduces the panographing shear stress in belts 1  
25 and 2.

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1           Q.    All right. Let's talk about this joint. It  
2 goes from 70 degrees on which side to 90 degrees on which  
3 side?

4           A.    Well, it looks like it's 70 degrees on the --  
5 well, that's probably the non-serial side to about  
6 90 degrees on the serial side. Let me see if that's  
7 right.

8           Q.    Your report has it at 75 degrees on the  
9 non-serial side and 90 degrees on the serial side --

10          A.    Okay.

11          Q.    -- is that correct?

12          A.    It looks like it could be. I had a little  
13 trouble orienting these, but I assume that the serial  
14 number side is on the top. I think that's what I figured  
15 out. So...

16          Q.    Well, I just want to know. Is that what you're  
17 going to tell the jury in this case, or do you want to  
18 change what's in your report?

19          A.    No, I think I'll go with the report, 'cause it  
20 was written while I was looking at it.

21          Q.    Okay. So your final answer is that this splice  
22 runs from 75 degrees on the non-serial side to 90 degrees  
23 on the serial side, correct?

24          A.    Yes.

25          Q.    All right. And, now, there's an overlap, but

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1           that overlap does not run all the way through the splice,  
2           does it?

3           A.     Correct.

4           Q.     It actually -- the overlap only occurs towards  
5           the serial side, correct?

6           A.     No. The fourth wire overlap, but there's two --  
7           two wires at the other side, it looks like.

8           Q.     All right. So it's your testimony that there is  
9           an overlap all the way through, although it becomes more  
10          serious as it --

11          A.     It's much different.

12          Q.     Explain that.

13          A.     Well, it varies to where you have, like, three  
14          or four wires that are overlapped on the serial number  
15          side, and -- let's see, one, two, three -- it looks like  
16          there's three wires overlapped, what we call that, which  
17          means a total of six wires on top of -- you know, two --  
18          three on top of the other three.

19                 And then it kind of spreads out to over on the  
20          other side, you have -- you have two, two wire overlaps  
21          toward the serial number side, is what it looks like on  
22          this. I may have determined something different when I  
23          looked at it without the X-ray or something.

24          Q.     Well, what's your opinion? Where is -- where is  
25          there a two-wire overlap and where is there a three-wire

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1 overlap?

2 A. I think the three wire would be at the top on  
3 the serial number side, but I'll have to get back to you  
4 on this other one.

5 Q. You're not sure, as you sit here today?

6 A. Yeah, these X-rays aren't real sharp.

7 Q. Okay. You also found a dog-eared splice on the  
8 serial side.

9 A. Yes.

10 Q. So that would be at about 90 degrees?

11 A. Right.

12 Q. Okay. So let's talk about these conditions.

13 You felt the separation -- separation did not  
14 initiate in the number 1 belt. It initiated between the  
15 number 2 and number 3 belts, correct?

16 A. Yes.

17 Q. And it's your opinion that it initiated at about  
18 330, correct?

19 A. Right.

20 Q. So it's your opinion that the separation  
21 initiated about, actually, around 90 degrees or a little  
22 more than 90 degrees around the tire from this, correct?

23 A. Yes. The -- the crescent-shaped zone is  
24 commonly called the initiation of separation, but it's  
25 really the initiation of the growth of the separation

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1 across the tire. It probably initiates someplace along  
2 there. It could have initiated here, you know, 75 or 90,  
3 but -- and gone around the tire and then it goes across.

4 Q. Are you changing your opinion again?

5 A. No.

6 Q. I asked you straight out earlier. Where did the  
7 separation initiate, and you said at 330 degrees.

8 A. That's where they -- crescent-shaped --

9 Q. Is that still your opinion or are you -- I asked  
10 you about the separation, Mr. Carlson.

11 A. You sure did.

12 Q. And my question is --

13 A. Right.

14 Q. -- did it start at 330 degrees, or are you  
15 changing your testimony again?

16 A. No, that's where the crescent-shaped zone  
17 started.

18 Q. All right. But, again, did I ask you where the  
19 separation started and did you say 330 degrees?

20 A. I was inaccurate, because it starts at the edge  
21 of the number 3 belt and goes around the tire, and then it  
22 starts crossing, and the 330 is where it starts crossing  
23 the tire.

24 Q. So you're changing your testimony?

25 A. No, just explaining it the way I should have

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1 explained it to start with, but...

2 Q. Okay. In any event, this -- this area with this  
3 splice is, approximately, 90 degrees around the tire from  
4 where the largest area of separation is in the  
5 crescent-shaped zone, correct?

6 A. Where the crescent-shaped zone starts.

7 Q. And it's at a different level. It's in the  
8 number 1 belt, not in the number 2 and number 3 belts?

9 A. Correct.

10 Q. Okay. You and I have talked about your liner  
11 pattern opinion before, haven't we, Mr. Carlson?

12 A. I think we have.

13 Q. Have you ever specifically tested tires with and  
14 without what you call liner pattern markings to determine  
15 the effect of that condition on tire durability?

16 A. No.

17 Q. Can you point me to anyone who's tested that  
18 kind of condition in tires with and without these markings  
19 and determined that that condition did, in fact, have an  
20 adverse effect on tire durability?

21 A. No. I mentioned several examples in the report.  
22 I have a new one, but I can't talk about it yet.

23 Q. You remember I asked about testing. I didn't  
24 ask about people just talking about this. I asked you  
25 about anybody who tested tires with and without this

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1 condition and determined that those markings had an effect  
2 on tire durability based on testing.

3 A. Right.

4 Q. Can you identify anyone who has done that kind  
5 of testing?

6 A. I think one of my references is based on  
7 testing, the Cooper work, and I know that the material  
8 that was mentioned, that I think is in my report here,  
9 from Michelin is talking about that.

10 Q. Well, wait a minute. Let's take this -- let's  
11 take this a little slowly. You didn't refer in your  
12 report to any Cooper work. What Cooper work are you  
13 talking about?

14 A. Rita Feczer.

15 Q. She doesn't refer to any testing in that excerpt  
16 you described.

17 A. Well, I've read the reports.

18 Q. I want to know if you can point me to testing,  
19 Mr. Carlson. It's real simple.

20 A. Oh, okay. Well, I have some testing coming, but  
21 I don't have it in a report yet.

22 Q. And you don't have it in the references you  
23 brought with you here today, right?

24 A. Right.

25 Q. And what testing do you have coming that you

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1 haven't disclosed?

2 A. Well, there's a guy that's done some testing,  
3 and I have to find out whether it's protected right now.

4 Q. All right. So my question is, right now, can  
5 you point me to any testing that proves that this  
6 condition has an adverse effect on tire durability?

7 A. No, it is work that has been coming from people  
8 that, you know, have looked at tires for a long time, and  
9 I forget what you call it, but experience based.

10 Q. Well, there are a series of published studies  
11 that go in the opposite direction that conclude that these  
12 conditions don't have any impact on tirability [sic],  
13 correct -- tire durability?

14 A. Like what?

15 Q. Pardon me?

16 A. Like what?

17 Q. Well, you're aware Mr. Herzlich published an  
18 article in 2002 called Belt Misalignments and Belt to Belt  
19 Tear Patterns, correct?

20 A. And he didn't do any testing either about it.

21 Q. He did -- he did studies is what I said. He did  
22 a study of finished tires. You're aware of that published  
23 study, correct?

24 A. What he did was, he put belt alignments in the  
25 tires and did do those testing, but it was improper



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1 methodology, 'cause he didn't run them long enough.

2 Q. Okay.

3 A. And he didn't do the right testing to develop  
4 separation.

5 Q. You criticize what he did, but he did publish a  
6 paper on it, correct?

7 A. Yes, but it had nothing to do with pattern  
8 marks.

9 Q. Well, in fact, he did -- you admitted this in  
10 the past, Mr. Carlson, that he concludes in his paper, the  
11 belt-to-belt tear pattern paper, that those conditions are  
12 not causative of tread/belt separation. Does he say that?

13 A. Testing.

14 Q. Does he say that in the published paper?

15 A. Yes, he does do that, but it's just kind of --

16 Q. Did Mr. Bolden do that in his component  
17 interfacial tearing appearances paper?

18 A. Yes, but --

19 Q. Did Mr. Rancore [phonetic] --

20 A. -- it is not based on testing. He does not  
21 have --

22 Q. Did Mr. Ranc- --

23 THE COURT REPORTER: I'm sorry. One at a time,  
24 please.

25 THE WITNESS: Excuse me.

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1 BY MR. SMITH:

2 Q. Did Mr. Rancore [phonetic] publish a paper --

3 A. Yes.

4 Q. -- with that same conclusion?

5 A. And, again, it is, essentially, a concl- -- a  
6 opinion of his.

7 Q. Did Mr. Brico publish a paper also saying those  
8 conditions do not cause tread/belt separation?

9 A. Yes, I believe he did.

10 Q. All right. Now, in your report -- so you admit  
11 you've seen all four of those published papers, correct?

12 A. Uh-huh, yes.

13 Q. All right. Now, you site some depositions in  
14 lawsuits, correct?

15 A. Yes.

16 Q. And, of course, you know, there's numerous  
17 people who have testified in depositions that those  
18 conditions don't cause tread/belt separations.

19 A. I imagine so.

20 Q. Well, you've seen them. You've been in cases  
21 where people have testified to that --

22 A. Sure.

23 Q. -- over and over, correct?

24 A. Sure.

25 Q. All right. Now, those depositions are not a

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1 published engineering paper, are they?

2 A. No, they're not.

3 Q. Okay. Now, you, in your report, identify two  
4 published works, don't you?

5 A. Yes.

6 Q. And one of them is Mr. Bozarth's paper, correct?

7 A. Correct.

8 Q. That's a paper called, "Watch for the Diamonds."

9 A. Yes.

10 Q. And you and I have talked about this before,  
11 correct?

12 A. Yes.

13 Q. And you know Mr. Bozarth did not do any testing  
14 or analytical work that cited in his paper, correct?

15 A. Correct, no.

16 Q. And Mr. Bozarth has actually testified under  
17 oath in a case that you were in that you have misused and  
18 misinterpreted his work, correct?

19 A. Yes, only because it was recapping rubber, which  
20 has no effect. It's not a reason --

21 Q. He testified --

22 A. -- to eliminate.

23 Q. -- he testified in litigation that his paper  
24 only applied to retreaded tires, correct?

25 A. Yes.

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1 Q. And he testified that your use of it to refer to  
2 non-retreaded tires was a misuse and misinterpretation of  
3 his work, correct?

4 A. That's what he said.

5 Q. And he also said in his testimony that what you  
6 called liner pattern in that very case was not the pattern  
7 he was talking about, in the James Ray Clark case in  
8 Kentucky, correct?

9 A. Yeah.

10 Q. And you've read his testimony?

11 A. Sure.

12 Q. Okay. And he, in fact, referred to your opinion  
13 as completely wrong, didn't he?

14 A. Yep.

15 Q. Okay. Now, the other thing you cite is  
16 Mr. Giapponi's book, correct?

17 A. Yes.

18 Q. Now, did Mr. Giapponi identify any testing or  
19 analytical work behind his publication about liner pattern  
20 marks?

21 A. I don't think so.

22 Q. And the fact of the matter is, you don't think  
23 Mr. Giapponi is an authoritative source, do you?

24 A. No, I said that his book has authoritative parts  
25 in it.

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1 Q. But you disagree dramatically with a lot of  
2 parts in that book, don't you?

3 MS. RHODES: Object to the form.

4 THE WITNESS: I do, but he has certain parts in  
5 it that I think are okay.

6 BY MR. SMITH:

7 Q. Well, in fact, you and he don't actually agree  
8 on his liner pattern part, do you?

9 A. Well, that would be a matter of semantics. I  
10 think he says, if you go through the three or four pages  
11 he talks about it, he agrees that those are marks of bad  
12 adhesion.

13 Q. Well, but he actually says this, doesn't he,  
14 quote: When a tire tears during a tread and belt  
15 attachment, it typically and randomly tears in a  
16 multi-planer fashion, crossing the various layers or  
17 planes. However, at times, it tears along the planes of  
18 the layers. This type of tearing can yield an appearance  
19 of the original surface of the laminate material,  
20 including manufacturing imprints. Seeing this surface  
21 does not mean it was not adhered nor bonded.

22 That's what he says, right?

23 A. But he --

24 MS. RHODES: Object to the form.

25 THE WITNESS: -- he goes on and --

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1 BY MR. SMITH:

2 Q. Wait a minute. Wait a minute.

3 MS. RHODES: Objection to form, foundation.

4 BY MR. SMITH:

5 Q. You disagree with that, don't you?

6 A. Yes, I think that he is misstating what that is.  
7 He's saying things that -- but anyway...

8 Q. So -- so my point, Mr. Carlson, is, you don't  
9 even agree with him on this whole issue of liner pattern?

10 A. Yes. When he's talking about materials that  
11 occur during a different phase of the failure, and he  
12 should know that, that that is -- the tearing at the end  
13 of the separation is not the -- the thing that started  
14 2,000 miles or 200 miles before, which is a separation of  
15 fatigue separation. That is a rapid tearing. It has  
16 nothing to do with the fatigue separation, which is a slow  
17 process.

18 Now, you can calculate that the rate of failure  
19 is around 200,000 times faster during that than in the  
20 separation process. So it's a different failure mode, a  
21 different part of the tire, and it has nothing to do with  
22 a separation failure.

23 Q. So you think he's wrong, and you disagree with  
24 him?

25 A. That part of it, yes.

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1 Q. Okay.

2 A. He goes on, and he does indicate that it will.

3 Q. Okay. Now, can you identify any tire science or  
4 tire engineering body that has ever indicated its general  
5 acceptance of the proposition of what you call liner  
6 pattern marks having a negative effect on tire durability?

7 A. I don't think that they're in the business of  
8 doing that, to say that tires can fail for reasons that --  
9 the tire manufacturer. They kind of stay away from that  
10 kind of issue.

11 Q. So you can't identify anything like that?

12 A. No, but people have come out and said that this  
13 is a valid indicator, people that have come out that --  
14 like Mr. Smith and so forth.

15 Q. Mr. Smith, where did he say that?

16 A. He has a paper that he published and said that.

17 Q. You didn't cite that in your report.

18 A. It's in my references.

19 Q. But you cited the things you relied on in your  
20 report, didn't you?

21 A. No, it was just the most important parts.

22 Q. So is it your contention that John Smith has  
23 published a paper --

24 A. No --

25 Q. -- saying --

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1 Q. So you weren't very happy with these X-rays?

2 A. No.

3 Q. Okay. Well, I want to talk about the process by  
4 which you reached your opinion that the condition of the  
5 splice caused or contributed to belt separation. Are you  
6 with me?

7 A. Sure.

8 Q. Can you point me to any testing anyone has  
9 performed on belt conditions in an all-steel truck tire  
10 that indicates that a splice with an overlap or a dog ear  
11 in the transition belt can cause a separation between the  
12 working belts 2 and 3?

13 A. No.

14 Q. Can you identify any published literature of  
15 anybody that's concluded that a splice condition like this  
16 in the nonworking transition belt can cause a separation  
17 between the working belts 2 and 3?

18 A. No, I can't.

19 Q. Can you identify any community of tire  
20 scientists or tire engineers that has ever indicated its  
21 general acceptance of the concept that splice conditions  
22 like this in the nonworking transition belt can cause a  
23 separation in the working belts 2 and 3?

24 A. No, I can't say that. I've just seen it in many  
25 of my cases.



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1 Q. Well, can you identify any published  
2 literature -- let's just talk about two belt tires. Any  
3 published -- I'm sorry. Let's back up.

4 Can you identify any testing that says that a  
5 splice like this, even in the working belts, can cause a  
6 separation 90 degrees around the tire?

7 A. No.

8 Q. Can you identify any publication that says a  
9 condition like this, even in a working belt, could cause a  
10 separation 90 degrees around the tire?

11 A. No.

12 Q. Can you identify any community of tire  
13 scientists or tire engineers that has ever indicated its  
14 general acceptance of the proposition that a condition  
15 like this, even in the working belts, could cause a  
16 separation 90 degrees around the tire?

17 A. I know that Mr. Woehrle has that opinion.

18 Q. That's another person who testifies for  
19 plaintiffs --

20 A. Yes.

21 Q. -- against tire companies?

22 MS. RHODES: Objection, form.

23 THE WITNESS: Yes, he has found several tires,  
24 which I think he is going to publish about where they have  
25 a one-to-one correlation with the -- with a problem in the

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1 belt and the separation.

2 BY MR. SMITH:

3 Q. And that is, actually, already published, and  
4 that condition is right in the area of the separation, not  
5 90 degrees away, right?

6 A. He has a situation that he's published where it  
7 is in the area where the joint comes from.

8 Q. Right. And I asked you about anybody who's  
9 expressed an opinion about a separation 90 degrees away.

10 A. Well, he has that, and he has seen that in other  
11 tires, as I have.

12 Q. Okay. So he's told you that?

13 A. Yes.

14 Q. Okay. So that's --

15 A. I've seen the results of it.

16 Q. That's one other plaintiffs' expert, correct?

17 A. Yes.

18 Q. All right. Anybody else you can point to? I'm  
19 talking about a community that's expressed a general  
20 acceptance.

21 A. There aren't that many plaintiff people. So...

22 Q. So the answer's nobody else?

23 A. No, I don't think so.

24 Q. Okay. Now, you're aware, are you not, that  
25 there's published literature to the contrary that says

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1       those kinds of conditions, even in the working belts, have  
2       no impact on tire durability, correct?

3           A.    Yes.

4           Q.    But you're not aware of any literature going in  
5       the other direction, the direction you're advocating?

6           MS. RHODES:  Objection, asked and answered.

7           THE WITNESS:  There is a paper, which I  
8       mentioned to you before, where they talk about how  
9       separations start in anomalies, and I've given you that  
10      reference.  It's in my reference list.

11      BY MR. SMITH:

12           Q.    But that's not specific to belt splice  
13      anomalies, correct?

14           A.    No, it's talking about just any kind of anomaly  
15      is --

16           Q.    Right.

17           A.    -- where they start.

18           Q.    Right, okay.

19           A.    And, of course, the belt edge is an anomaly;  
20      that is where they start.  And if they're real bad,  
21      they -- certainly would be logical that they would start  
22      there.

23           Q.    You understand that my question is specifically  
24      about belt splice conditions in steel belts, correct?

25           A.    Sure.

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1 Q. And you're not aware of anything like that?

2 A. Well, you're trying to limit it to --

3 Q. I am. Yes, that's my question.

4 A. Right.

5 Q. You're not aware of anything that --

6 A. Certainly the engineering exists that an anomaly  
7 means anomaly; and I think the other reference does talk  
8 about, you know, anomalies starting -- the process of an  
9 anomaly starts the separation, and this is an anomaly.

10 Q. Okay. You've said that already. So I'll move  
11 to strike the nonresponsive question [sic]. My question  
12 repeatedly has been about steel belt splice conditions.

13 A. Yeah.

14 Q. You can't identify anything like that, correct?

15 A. No.

16 MS. RHODES: Objection, asked and answered.

17 MR. SMITH: Pardon me?

18 THE WITNESS: I think I've answered what I --

19 BY MR. SMITH:

20 Q. You've answered that, no, you're not aware of  
21 anything like that.

22 A. Right, that uses that language. You can keep,  
23 you know, making it as fine as you want to eliminate  
24 everything.

25 Q. Let's talk a little bit more about your

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1 Q. What was my question?

2 A. I've answered it.

3 Q. What was my question?

4 A. There isn't any standard.

5 Q. All right. There's no standard for endurance  
6 hours for medium truck tires, industry standards?

7 A. In the industry --

8 Q. Right.

9 A. -- that is universal among the industry.

10 Q. Is there any industry standard for temperature  
11 performance for medium truck tires?

12 A. There is not anything written down --

13 Q. Okay.

14 A. -- that indicates that. That is not an  
15 absolving of your responsibility because of the tire.

16 Q. Move to strike the nonresponsive portion.

17 I want to ask you a little bit about the opinion  
18 you have about warning or communication of information  
19 regarding speed rating.

20 A. Yes.

21 Q. Is it correct that in the past, you've testified  
22 you don't consider yourself to be a warnings expert?

23 A. I don't do certain types of warnings. I don't  
24 write them, and I don't evaluate them. But, as an  
25 engineer, that is one of the things that can be done in --

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1           when you have a problem. You fix it by technical means or  
2           you warn against it or you guard against it or you recall  
3           it.

4           Q. You have, in fact, in the past testified, I am  
5           not a warnings expert, correct?

6           A. That's right, but I have been qualified by a  
7           judge in Texas to give warning opinions.

8           Q. You've never designed any warning that's been  
9           used on any product, have you?

10          A. I do not do that.

11          Q. It's never been your field to do that kind of  
12          work or make those kinds of recommendations about what  
13          specific warnings could or should be used with any tire,  
14          correct?

15          A. Yes.

16          Q. And it's correct that you don't have the  
17          expertise to determine what warning may or may not be  
18          effective, correct?

19                 MS. RHODES: Object to the form.

20                 THE WITNESS: Well, I don't evaluate them, so I  
21          don't try to.

22          BY MR. SMITH:

23          Q. All right. And so you've said in the past you  
24          don't have that expertise, correct?

25          A. Well, I don't think I do but, certainly, I can

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1 do certain things about warnings.

2 Q. When you were at Michelin, you were never  
3 involved in writing warnings, correct?

4 A. That's right.

5 Q. Michelin didn't put warnings on tires, did it?

6 A. Yes, that's correct.

7 Q. Okay. And it didn't put warnings about speed  
8 ratings on its medium truck tires, did it?

9 A. Not at that time.

10 Q. And it makes tires today that don't have  
11 warnings about speed ratings, correct?

12 A. I don't think I've checked lately, but I've seen  
13 some with them.

14 Q. And you also know there's some that don't  
15 have -- well, do they have English language warnings or do  
16 they just have a speed symbol?

17 A. I'm sorry?

18 Q. The Michelin tires you've seen, have you seen  
19 any that have an English language warning on them about  
20 speed rating?

21 A. No, all I see is the letter rating.

22 Q. All right.

23 A. And that's been used for quite a few years on  
24 Michelin tires.

25 Q. But you also know Michelin makes tires without a

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1 letter rating?

2 A. I think in certain companies -- countries they  
3 do that, but --

4 Q. Well, they do that here, don't they?

5 A. -- I haven't seen one in long while, but -- so  
6 I'm not sure I can agree with that, but I'll have to go  
7 look.

8 Q. So you don't know, one way or another, what  
9 Michelin does with all their truck tires it makes?

10 A. Well, the ones I've seen have a letter rating.

11 Q. Okay. Now, you don't have any reason to believe  
12 that Mr. Kehler would understand a letter rating?

13 A. Well, that's not the question. It could have,  
14 you know, prevented this accident if they had put it on  
15 there, and there was no reason for you not to have put it  
16 on there.

17 Q. But we know Mr. Kehler testified that he didn't  
18 look at any of the markings on the sidewalls of this tire,  
19 correct?

20 MS. RHODES: Objection.

21 THE WITNESS: Not very many people do, but you  
22 don't -- that's not an excuse for not putting it on there.  
23 It doesn't cost you anything to put it on there. Why  
24 would you specifically exclude it?

25 BY MR. SMITH:



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1           Q.    You, Dennis Carlson, don't have any basis upon  
2           which to contend that putting a letter rating on this tire  
3           would have changed Mr. Kehler's behavior, given that he  
4           didn't look for any markings on the tire?

5                   MS. RHODES:   Object to form, foundation.

6                   THE WITNESS:   I don't think it could have hurt.  
7           I think that there has to be -- I would prefer an English  
8           language speed limit on there that meant something --

9           BY MR. SMITH:

10           Q.    Okay.

11           A.    -- but it would have to be something above 75 to  
12           put on there, because you can't, you know, build a tire  
13           when there's 80 mile per hour and 85 mile per hour speed  
14           limits in this country.

15           Q.    Do you have any basis to say that any language  
16           on the tire would have changed Mr. Kehler's behavior given  
17           that he did not look for any markings on the tire?

18                   MS. RHODES:   Objection, form, foundation.

19                   THE WITNESS:   I don't know if anybody can say  
20           that for sure, but it certainly -- there's a chance that  
21           it could have.

22           BY MR. SMITH:

23           Q.    Now, how would it have affected his behavior if  
24           he specifically testified in this case that he didn't look  
25           at any markings on this tire?

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1 Do you remember that testimony, Mr. Carlson?

2 A. Yeah, yes. Truck drivers generally don't read  
3 the sidewall. That's the reason the tire companies have  
4 to build a tire that has a good safety margin. This one  
5 doesn't.

6 Q. So my question, quite simply, Mr. Carlson, is,  
7 given that Mr. Kehler testified that he didn't look at the  
8 markings on the tire, how would a different marking change  
9 his behavior?

10 MS. RHODES: Objection, calls --

11 THE WITNESS: It could have helped.

12 MS. RHODES: -- form, foundation, calls for  
13 speculation.

14 BY MR. SMITH:

15 Q. My question isn't your conclusion. It's how it  
16 would have changed his behavior if he didn't read the  
17 markings.

18 MS. RHODES: Same objection.

19 THE WITNESS: Well, he might look on there, he  
20 might have read it. It's not an excuse for not putting it  
21 on there when most people do put it on there. It doesn't  
22 cost you anything to put it on there. Why didn't you put  
23 it on there?

24 BY MR. SMITH:

25 Q. Now, you've testified you're not an expert in

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1 warning effectiveness, correct?

2 A. Yes.

3 Q. You've also testified you're not an expert in  
4 the things that -- about warnings that may or may not  
5 change people's behavior, correct?

6 A. Well, I generally don't do that.

7 Q. Right.

8 A. But this should have had it on there.

9 Q. All right. We know what your opinion is,  
10 Mr. Carlson. Would you stick with my questions. Okay?  
11 My question is --

12 A. I'm sticking with what my opinion is.

13 Q. Yeah, well, I want you to answer my questions  
14 instead of making the speeches that you want to make. So  
15 here's my --

16 MS. RHODES: Objection, argumentative.

17 BY MR. SMITH:

18 Q. -- question.

19 Have you ever done anything to test the  
20 effectiveness of any warning?

21 A. No, I don't have to.

22 Q. Do you have any data here in your file today  
23 that in any way suggests that an English language warning  
24 of any kind would change anyone's behavior?

25 A. No, that's not my job.

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1       STATE OF ARIZONA     )  
                                  )     ss.  
2       COUNTY OF MARICOPA)

3  
4               BE IT KNOWN that the foregoing deposition was  
5       taken before me, SHELLEY E.D. PEARCE, RPR, Certified  
6       Reporter No. 50301, for the State of Arizona; that the  
7       witness before testifying was duly sworn by me; that the  
8       transcript is a full, true, and accurate record of the  
9       proceedings all done to the best of my skill and ability;  
10      that preparation, production, and distribution of the  
11      transcript and copies comply with law and code as required  
12      by ACJA 7-206(F)(3) and in compliance with ACJA 7-206  
13      (J)(1)(g)(1) and (2).

14              (x) Pursuant to request, notification was  
15      provided that the deposition is available for review and  
16      signature.

17              ( ) Review and signature was waived.

18              WITNESS MY HAND this 22nd day of July, 2016.

19  
20                                      /s/ Shelley E.D. Pearce

21                                      \_\_\_\_\_  
22                                      SHELLEY E.D. PEARCE, RPR/CSR  
23                                      Arizona Certified Reporter  
24                                      Certificate No. 50301

25              /s/ Kim Bata Reporting  
            KIM BATA REPORTING  
            Registered Reporting Firm R1034